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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Eric Muhammad,

10 Plaintiff,

11 v.

12 Transunion Consumer Solutions, et al.,

13 Defendants.
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No. CV-22-02024-PHX-SMB

ORDER

15 Plaintiff filed an Application for Leave to Proceed in Forma Pauperis. (Doc. 2.) If
16 a Plaintiff is proceeding in Forma Pauperis, the Court must review the Complaint (Doc. 1)
17 to determine whether the action is “(i) frivolous or malicious; (ii) fails to state a claim on
18 which relief may be granted; or (iii) seeks monetary relief against a defendant who is
19 immune from such relief.” *See* 28 U.S.C. § 1915(e)(2)(B). Furthermore, under Federal
20 Rule of Civil Procedure (“Rule”) 8, a pleading which sets forth a claim for relief, whether
21 an original claim, counter-claim, cross-claim, or third-party claim, shall contain: (1) a short
22 and plain statement of the grounds upon which the court’s jurisdiction depends, unless the
23 court already has jurisdiction and the claim needs no new grounds of jurisdiction to support
24 it; (2) a short and plain statement of the claim showing that the pleader is entitled to relief;
25 and (3) a demand for judgment for the relief the pleader seeks. Relief in the alternative or
26 of several different types may be demanded. Fed. R. Civ. P. 8(a)(3).

27 While Rule 8 does not require detailed factual allegations, “it demands more than
28 an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556

1 U.S. 662, 678 (2009). “Threadbare recitals of the elements of a cause of action, supported
2 by mere conclusory statements, do not suffice.” *Id.* A complaint “must contain sufficient
3 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.*
4 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible
5 “when the plaintiff pleads factual content that allows the court to draw the reasonable
6 inference that the defendant is liable for the misconduct alleged.” *Id.* (citing *Twombly*, 550
7 U.S. at 556). A complaint that provides “labels and conclusions” or “a formulaic recitation
8 of the elements of a cause of action will not do.” *Twombly*, 550 U.S. at 555. Nor will a
9 complaint suffice if it presents nothing more than “naked assertions” without “further
10 factual enhancement.” *Id.* at 557.

11 Here, the Court finds that the Complaint satisfies the procedural and statutory
12 requirements. Plaintiff asserts federal question jurisdiction under the Fair Credit Reporting
13 Act (“FCRA”), 15 U.S.C. § 1681, et seq., naming Defendants Experian, Equifax
14 Information Services, LLC, and Transunion Consumer Solutions. Plaintiff further alleges
15 the following: (1) Transunion, Equifax, and Experian (“Defendants”) failed to verify the
16 transactions Plaintiff disputes in police reports regarding his identity theft claim; (2)
17 Defendants failed to provide Plaintiff with requested information regarding his credit
18 report; (3) Defendants failed to remove information from Plaintiff’s credit report following
19 his identify theft claims and supplied police report; and (4) Defendants caused Plaintiff and
20 his business financial harm since May 2020. (Doc. 1 at 4.)

21 Plaintiff next alleges that he has “been unable to advance my quality of life, the
22 quality of life of my family and my business because of my credit worthiness, which was
23 caused by the gross negligence and mismanagement by Transunion, Equifax, and
24 Experian.” (*Id.*) Plaintiff seeks \$100,000 in damages under the FCRA. (*Id.*) Plaintiff also
25 seeks \$150,000 in punitive damages, asserting that “[e]ven after submitting the required
26 documentation Experian has acted recklessly, irresponsibly, and with total disrespect for
27 the federal laws mandating proper & just conduct as it pertains to management of my credit
28 line.” (*Id.*) For these reasons, the Court finds Rule 8 satisfied.

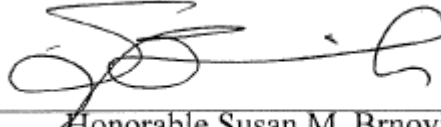
1 Likewise, when analyzing the requirements under 28 U.S.C. § 1915(e)(2)(B), the
2 Court again finds Plaintiff's allegations are pled with sufficient specificity. The Complaint
3 is therefore not frivolous or malicious. Lastly, Plaintiff states a claim upon which relief
4 can be granted and names defendants subject to suit. *See Nelson v. Chase Manhattan*
5 *Mortgage Corp.*, 282 F.3d 1057, 1059 (9th Cir. 2002) (recognizing the FCRA provides
6 consumers a private right of action against furnishers of credit reporting information).
7 Plaintiff has therefore satisfied all statutory requirements under 28 U.S.C. § 1915(e)(2)(B).

8 Accordingly,

9 **IT IS ORDERED** allowing Plaintiff to proceed and serve the Complaint. Plaintiff
10 is reminded to review the Courts order at docket number 7 for the requirements of service.

11 Dated this 5th day of December, 2022.

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Honorable Susan M. Brnovich
United States District Judge